

**SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF  
CIVIL AVIATION ACT, 1982**

**66 of 1982**

**[6th November, 1982]**

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For dealing more effectively with offences against the safety of civil aviation, it is proposed that India should ratify the convention

drawn up at the diplomatic conference held at the Hague in December 1970 (popularly known as the Hague Convention) for dealing with hijacking, and convention adopted at the diplomatic conference held at Montreal in 1971 (popularly known as the Montreal Convention) for the suppression of unlawful acts against the safety of civil aviation. The ratification of these conventions involves an obligation for making necessary legal provisions for giving effect thereto while the Anti-Hijacking Bill, 1982 makes provisions for giving effect to the Hague Convention, this Bill seeks to make the necessary provisions for giving effect to the Montreal Convention, 2. The salient features of the Montreal Convention are :-

(a) Nature of acts to which this Convention applies.- The Montreal Convention has created new international offences. Any person-

- (i) performing an act of violence against a person on board an aircraft in flight if by that act the safety of that aircraft is in danger;
- (ii) destroying an aircraft in service or causing damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;
- (iii) placing or causing to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, Or to cause damage to it which is likely to endanger its safety in flight;
- (iv) destroying or damaging air navigation facilities or interfering with their operation if by such act the safety of the aircraft is likely to be endangered;
- (v) communicating information which he knows to be false, thereby endangering the safety of an aircraft in flight, commits an offence punishable by severe penalties by virtue of this Convention. Also any person commits an offence entailing severe penalties if he attempts to commit any of the above mentioned offences and an accomplice of a person who commits or attempts to commit any such offence will also be committing an offence under this Convention punishable by severe penalties. In other words, this Convention applies equally to attempts made and to accomplice as well.

(b) Aircraft to which the Convention does not apply - The Montreal Convention does not apply to military aircraft or to aircraft belonging to customs or police service.

(c) Applicability of the Convention - The Convention is applicable not only at the stage when the aircraft is in flight but also at the stage of preparation on ground preceding the flight and for twenty-four hours after the landing of the aircraft. For the purposes of the Convention, an aircraft is deemed to be in flight from the moment when all its external doors are closed following embarkation until

the moment when any such door is opened for disembarkation, or in the case of forced landing, until the competent authorities take over the responsibility of the aircraft and for persons and property on board. (d) Purpose of the Convention - This Convention primarily aims at ensuring that any person committing an offence under this Convention is punished. To this end, the Convention requires every State where the alleged offender is found, either to extradite him or to prosecute him. (e) Jurisdiction - In respect of offences under this Convention, a number of States have been given concurrent jurisdiction. These are the States where the offence is committed, the State of registration of the aircraft against or on board which the offence is committed, the State where the alleged offender is found and in the case of an offence committed against or on board an aircraft leased without crew to a lessee, the State where the lessee has his principal place of business or if the lessee has no such place of business, the State of his permanent residence. Thus, a limited principle of universality has been introduced with a view to achieve the objective that an offender under this Convention does not find a haven of immunity at least amongst the contracting States. 3. The Montreal Convention does not apply to acts which are offences in relation to an aircraft when both the place of take off and the place of landing of such aircraft are situated in the country in which the aircraft is registered. It is proposed to avail of the present opportunity to cover such cases also in respect of aircraft registered in India. Further, the Convention applies only to those air navigation facilities which are used in international air navigation. It is proposed to cover all air navigation facilities and not merely to those used in international air navigation. 4. The Bill seeks to achieve the above objects -Gaz. of Ind. 22-10-1982, Pt. II, S. 2. Ext., p. 12 (No. 53).

#### CHAPTER 1 PRELIMINARY

### **1. Short title, extent, application and commencement :-**

(1) This Act may be called THE SUPPRESSION OF UNLAWFUL ACTS AGAINST SAFETY OF CIVIL AVIATION ACT, 1982.

### **2. Definitions :-**

#### CHAPTER 2 OFFENCES

### **3. Offence of committing violence on board an aircraft in flight, etc :-**

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

### **3A. Offence at airport :-**

**1** .-

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.".]

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994 Published in Received the assent of the President on June 29, 1994

### **4. Destruction of, or damage to, air navigation facilities :-**

(1) Whoever unlawfully and intentionally destroys or damages air navigation facilities or interferes with their operation in such a manner as is likely to endanger the safety of the aircraft in flight shall be punished with imprisonment for life and shall also be liable to fine.

(2) Whoever attempts to commit, or abets the commission of, any offence under sub-section (1) shall also be deemed to have committed such offence and shall be punished with the punishment provided for such offence.

### **5. Jurisdiction :-**

#### **5A. Conferment of powers of investigation, etc :-**

**1** .-

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), for the purposes of this Act, the Central Government may, by notification in the Official Gazette, confer on any officer of the Central Government, powers of arrest, investigation and prosecution exercisable by a police officer under the Code of Criminal Procedure, 1973.

(2) All officers of police and all officers of Government are hereby required and empowered to assist the officer of the Central

Government referred to in sub- section (1), in the execution of the provisions of this Act.]

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994 Published in Received the assent of the President on June 29, 1994

#### **5B. Designated Courts :-**

**1** .-

(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify a Court of Session to be a Designated Court for such area or areas as may be specified in the notification.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a Designated Court shall, as far as practicable, hold the trial on a day-to-day basis.

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994 Published in Received the assent of the President on June 29, 1994

#### **5C. Offences triable by Designated Court :-**

**1** .-

(2) When trying an offence under this Act, a Designated Court may also try an offence other than an offence under this Act, with which the accused may, under the Code of Criminal procedure. 1973 (2 of 1974), be charged at the same trial.

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994 Published in Received the assent of the President on June 29, 1994

#### **5D. Application of the Code to proceedings before a Designated Court :-**

**1** .- Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, apply to the proceedings before a Designated Court and the person conducting a prosecution before a Designated Court shall be deemed to be a Public Prosecutor.

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994 Published in Received the assent of the President on June 29, 1994

**6. Provisions as to extradition :-**

**6A. Provision as to bail :-**

**1** .-

(2) The limitations on granting of bail specified in sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974), or any other law for the time being in force on granting of bail.

(3) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under Section 439 of the Code of Criminal Procedure, 1973 (2 of 1974).

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994 Published in Received the assent of the President on June 29, 1994

**7. Contracting parties to Convention :-**

The Central Government may, by notification in the Official Gazette, certify as to who are the contracting parties to the Montreal Convention and to what extent they have availed themselves of the provisions of the Convention, and any such notification shall be conclusive evidence of the matters certified therein.

**8. Power to treat certain aircraft to be registered in convention countries :-**

If the Central Government is satisfied that the requirements of Article 9 of the Montreal Convention have been satisfied in relation to any aircraft, it may by notification in the Official Gazette, direct that such aircraft shall, for the purposes of this Act be treated as registered in such Convention country as may be specified in the notification.

**9. Previous sanction necessary for prosecution :-**

No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Central Government.

**9A. Presumptions as to offences under Sections 3, 3-A and 4 :-**

**1** .-In a prosecution for an offence under Sections 3, 3-A and 4, if it is proved-

(a) that the arms, ammunition or explosives were recovered from

the possession of the accused and there is reason to believe that such arms, ammunition or explosives of similar nature were used in the commission of such offence; or

(b) that there is evidence of violence committed by the accused against any person in connection with the commission of such offence, the Designated Court shall presume, unless the contrary is proved, that the accused had committed such offence.

1. The Suppression of Unlawful Acts against Safety of Civil Aviation (Amendment) Act, 1994 (40 Of 1994), Dt. 29th June, 1994  
Published in Received the assent of the President on June 29, 1994

**10. Protection of action taken in good faith :-**

(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.

(2) No suit or other legal proceeding shall lie against the Central Government for any damage caused or likely to be caused for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act.